

Robert Garcia, 1st District  
Suja Lowenthal, 2nd District  
Gary DeLong, 3rd District  
Patrick O'Donnell, 4th District

Patrick H. West, City Manager  
Larry G. Herrera, City Clerk



Bob Foster, Mayor

Gerrie Schipske, 5th District  
Dee Andrews, 6th District  
Tonia Reyes Uranga, 7th District  
Rae Gabelich, 8th District  
Val Lerch, Vice Mayor, 9th District

Robert E. Shannon, City Attorney

**CITY COUNCIL SUPPLEMENTAL AGENDA  
FOR THE MEETING OF MAY 5, 2009**

The Supplemental Agenda contains corrections and additions, which were posted more than 72 hours in advance of the above meeting date.

**SUPPLEMENTAL AGENDA (ADDITIONS)**

32. 09-0484      Recommendation to request City Attorney to draft a resolution in support of SB 696 (Wright) - Emission Reduction Credits and direct City Manager to communicate the City's support to Long Beach legislative offices.

**Office or Department:** COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT; COUNCILMEMBER SUJA LOWENTHAL, SECOND DISTRICT; COUNCILMEMBER GARY DELONG, THIRD DISTRICT

**Suggested Action:** Approve recommendation.

33. 09-0228      Recommendation to adopt resolution proclaiming a local emergency under California Government Code Section 8630 and authorizing City Manager to execute any necessary agreements with the State of California for Swine Influenza A (swH1N1) control, and ratifying the declaration of a local health emergency issued by the City Health Officer under California Health and Safety Code Section 101080. (Citywide)

**Office or Department:** HEALTH AND HUMAN SERVICES

**Suggested Action:** Approve recommendation.




adb



**NB-32**

**Date:** May 5, 2009

**To:** Honorable Mayor and Members of the City Council

**From:** Council Member Suja Lowenthal, Second District   
Council Member Gary DeLong, Third District   
Council Member Tonia Reyes Uranga, Seventh District 

**Subject:** **Support for SB 696 (Wright) – Emission Reduction Credits**

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Thousands of businesses and essential public services have been forced to delay or cancel projects to install modern, cleaner equipment that reduces harmful emission and reduce green house gas emissions due to a recent state court ruling that forced the South Coast Air Quality Management District (SCAQMD) to stop issuing permits relying on the District's internal offset accounts. Affected businesses include essential public services, such as sewage treatment plants, hospital, schools, fire and police stations, and landfill gas to energy projects, gas stations, dry cleaners, auto body shops, printers and food manufactures. As a result, almost 1,000 permits are on hold, with potentially over 3,000 existing permits relying on the District's internal offsets accounts representing over 2,000 facilities in further jeopardy, which will have to be revoked. In Long Beach, approximately 136 permits submitted 1996-1998 would be revoked with 25 current permits application on hold.

In response, Senator Rod Wright introduced SB 696 to re-establish SCAQMD's internal offset account and allow access to its priority reserve. The legislation provides a limited California Environmental Quality Act (CEQA) exemption to certain SCAQMD rules which will allow the issuance of required SCAQMD permits for the construction of fire stations, police stations, hospital power generators, electricity generators and other projects that are essential public services. Without this legislation, the lack of SCAQMD permits means lost jobs and delays in building needed projects, particularly for projects that would be eligible for receiving 'Stimulus Funding' from the federal government.

**Recommended Action:** **Request the City Attorney to draft a resolution in support of SB 696 (Wright) – Emission Reduction Credits and direct the City Manager to communicate the City's support to Long Beach legislative offices.**



## SB 696 (WRIGHT) EMISSION REDUCTION CREDITS

### The Problem

- Due to a recent state court CEQA decision SCAQMD has been forced to stop issuing permits relying on the District's internal offsets accounts.
- As a result, almost 1,100 permits are on hold, with potentially over 3,000 existing permits representing over 2,000 facilities in further jeopardy, which will have to be revoked
- Affected businesses include essential public services, such as sewage treatment plants, hospitals, schools, fire and police stations, and landfill gas to energy projects, gas stations, dry cleaners, auto body shops, printers, and food manufacturers.
- Without the use of AQMD's internal offset account government and businesses could be forced to spend up to \$4 billion for buying pollution credits – if they are available at all. Credits on the open market are unaffordable, with estimated costs of \$234,000 for a gas station, \$1.6 million for a tortilla fryer and oven, and \$115 million for a landfill gas to energy project.
- Lack of SCAQMD permits means lost jobs and delays in building needed projects, particularly for projects that would be eligible for receiving 'Stimulus Funding' from the federal government and cannot be built without SCAQMD permits.
- Many of these projects that can't get permits involve installation of modern, cleaner equipment that reduces harmful emissions – resulting in a slower clean up of the environment and even setting back efforts to reduce greenhouse gas emissions.

### The Solution

- SB 696 will re-establish SCAQMD's internal offset account and allow access to its priority reserve. It provides a limited CEQA exemption to certain SCAQMD rules which will allow the issuance of required SCAQMD permits for the construction of fire stations, police stations, hospital power generators, electricity generators and other projects that are essential public services.
- Individual permits would **not** be exempted from CEQA. The California Energy Commission (CEC) would undertake a CEQA analysis on proposed power plants. SCAQMD or the city or county acting as lead agency would continue to conduct CEQA analysis on permits, as required under existing law.
- In order to obtain offsets from SCAQMD, power plants **must**:
  - have a contract with the applicable utility, and the CEC must conduct a '**needs analysis**' and find that the plant is necessary and must be located within the District,
  - pay mitigation fees, at a minimum cost of \$92,000 per ton of PM10, which will be used to reduce pollution in the areas impacted by the power plant, and
  - meet stringent technology limits, with stricter requirements in areas of higher pollution, and meet other SCAQMD rule requirements which are the most stringent in the nation.

AMENDED IN SENATE APRIL 13, 2009

**SENATE BILL**

**No. 696**

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**Introduced by Senator Wright**

February 27, 2009

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~~An act relating to emission reduction credits.~~ *An act to add Sections 40440.12 and 40440.13 to the Health and Safety Code, relating to air quality, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 696, as amended, Wright. Air quality: ~~regional districts~~: CEQA exemptions: emission reduction credits.

(1) *The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts certain specified projects from its requirements.*

Under existing law, every air pollution control district or air quality management district in a federal nonattainment area for any national ambient air quality standard is required to establish by regulation, a system by which all reductions in emissions of air contaminants that are to be used to offset certain future increases in the emission of air contaminants are banked prior to use. *Pursuant to this requirement the*

*South Coast Air Quality Management District (district) promulgated various rules establishing offset exemptions, providing Priority Reserve offset credits, and creating or tracking credits used for offset exemption or Priority Reserve projects. In Natural Resources Defense Council v. South Coast Air Quality Management District (Super. Ct. Los Angeles County, 2007, No. BS 110792), the superior court found the promulgation of certain of these district rules to be in violation of CEQA.*

~~This bill would state that it is the intent of the Legislature to enact legislation to ensure that there are sufficient credits available for the South Coast Air Quality Management District to issue permits for essential public services and new clean efficient power plants exempt from the requirements of CEQA the adoption and implementation of specified district rules, and the creation or the use of specified credits pursuant to district rules by a thermal powerplant when certain conditions are satisfied. Because a lead agency would be required to determine whether the use of the credits qualifies for an exemption, this bill would impose a state-mandated local program.~~

*(2) Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to adopt, on a biennial basis, an integrated energy policy report to include an assessment and a forecast of the need for resource additions, efficiency, and conservation that considers all aspects of energy industries and markets.*

*This bill would require the Energy Commission to perform a needs assessment for a thermal powerplant proposed to be located in the district.*

*(3) This bill would state the findings and declarations of the Legislature concerning the need for special legislation.*

*(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

*(5) This bill would declare that it is to take effect immediately as an urgency statute.*

*Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.*

*The people of the State of California do enact as follows:*

1     *SECTION 1. (a) The Legislature finds and declares all of the*  
2     *following:*

3     *(1) Because of the superior court decision in Natural Resources*  
4     *Defense Council v. South Coast Air Quality Management District*  
5     *(Super. Ct. Los Angeles County, 2007, No. BS 110792) holding*  
6     *the South Coast Air Quality Management District (district) violated*  
7     *the requirements of the California Environmental Quality Act*  
8     *(CEQA) (Division 13 (commencing with Section 21000) of the*  
9     *Public Resources Code) in the promulgation of certain district*  
10    *rules, the district is unable to issue over a thousand pending*  
11    *permits that rely on the district's internal offset bank to offset*  
12    *emissions.*

13    *(2) The superior court decision also required the district to set*  
14    *aside several thousand permits that were previously issued in*  
15    *reliance on the district's internal offset bank. These permits have*  
16    *been subject to analysis performed pursuant to CEQA that the*  
17    *lead agency has deemed appropriate.*

18    *(3) If prompt legislative action is not taken to correct this*  
19    *situation, projects will be stopped from going forward or frozen*  
20    *in place, representing significant losses to the economy, as well*  
21    *as numerous well-paying jobs. The impact of approved projects*  
22    *not going forward will dramatically impede any economic recovery*  
23    *in southern California and contribute to another state deficit as a*  
24    *result of lower tax revenues.*

25    *(4) Affected projects include equipment replacement to reduce*  
26    *air emissions, plus projects for essential public services such as*  
27    *hospitals, schools, landfills, sewage treatment plants, renewable*  
28    *energy projects, and small sources, including small businesses*  
29    *that are unable to locate or afford credits on the open market.*  
30    *With time, many other similar projects will have to be placed on*  
31    *hold, or have their application withdrawn.*

32    *(5) The superior court decision also prohibits the district from*  
33    *issuing air credits from its Priority Reserve to thermal powerplants*  
34    *that are needed to meet the current and future projected electricity*  
35    *needs of the region and to prevent blackouts during peak demand*  
36    *periods.*

37    *(6) Without corrective legislation, the district cannot improve*  
38    *air quality by allowing the existing older and higher emitting and*

1 less efficient powerplants to be replaced with new cleaner and  
2 more efficient powerplants. Fifty percent of available total power  
3 in the region is generated from powerplants that are 40 years or  
4 older.

5 (7) Failure to correct this problem will mean the district cannot  
6 help meet the mandates set forth in the California Global Warming  
7 Solutions Act of 2006 (Division 25.5 (commencing with Section  
8 38500) of the Health and Safety Code) if it cannot issue permits  
9 to provide necessary peaking power to support increased reliance  
10 on renewable energy as will be required by state efforts to reduce  
11 greenhouse gases.

12 (b) It is therefore necessary that legislation be enacted to allow  
13 the district to resume issuing permits and to abrogate the superior  
14 court decision in *Natural Resources Defense Council v. South*  
15 *Coast Air Quality Management District* (Super. Ct. Los Angeles  
16 County, 2007, No. BS 110792).

17 SEC. 2. Section 40440.12 is added to the Health and Safety  
18 Code, to read:

19 40440.12. The California Environmental Quality Act (Division  
20 13 (commencing with Section 21000) of the Public Resources  
21 Code) does not apply to either of the following:

22 (a) (1) The adoption or implementation of rules by the south  
23 coast district establishing offset exemptions, providing Priority  
24 Reserve credits, or creating or tracking the credits used for offset  
25 exemptions or Priority Reserve projects, if the discretionary  
26 projects that use those exemptions or credits are subject to this  
27 division or are exempt from this division pursuant to a categorical  
28 or statutory exemption and all of the following are satisfied:

29 (A) South coast district rule requires the use of the best available  
30 control technology, as defined in Section 40405, and air quality  
31 modeling to ensure the source will not cause a violation, or make  
32 significantly worse an existing violation, of any ambient air quality  
33 standards as defined in district rule 1303, unless exempted from  
34 modeling pursuant to district rule 1304, as amended June 14,  
35 1996, for each new, relocated, or modified source with an  
36 emissions increase of one pound per day or greater of any air  
37 contaminant.

38 (B) South coast district rule prohibits the construction of any  
39 new, relocated, or modified permitted unit if the emissions of any  
40 toxic air contaminant, as listed by the district board, exceed a

1 cumulative increase in maximum individual cancer risk at any  
2 receptor location of greater than one in one million if the permitted  
3 unit is constructed without best available control technology for  
4 toxic air contaminants, or greater than 10 in one million if the  
5 permitted unit is constructed with best available control technology  
6 for toxic air contaminants or exceeds a chronic or acute noncancer  
7 health effect hazard index of 1.0.

8 (C) The south coast district accounts for the use of offset credits  
9 pursuant to this subdivision as part of the district's state  
10 implementation plan submissions and demonstrates that the use  
11 of the offset credits will not interfere with attainment or  
12 maintenance of ambient air quality standards.

13 (D) South coast district rules 1304, 1309.1, and 1315, as  
14 specified in this subdivision, have been submitted to the United  
15 States Environmental Protection Agency, and have not been  
16 disapproved by that agency.

17 (2) The exemption provided in this subdivision applies to offset  
18 exemptions pursuant to south coast district rule 1304, as amended  
19 June 14, 1996, Priority Reserve credits pursuant to south coast  
20 district rule 1309.1, as amended May 3, 2002, and the adoption  
21 and implementation of south coast district rule 1315, as adopted  
22 September 6, 2006, and readopted August 3, 2007.

23 (3) Upon the satisfaction of conditions specified in subdivision  
24 (1), the exemption provided in this paragraph applies to all action  
25 taken pursuant to the south coast district rules specified in  
26 paragraph (2) on and after September 6, 2006.

27 (b) The adoption of south coast district rule 1309.1 and the  
28 creation or use of Priority Reserve credits pursuant to south coast  
29 district rule 1309.1, as amended August 3, 2007, by a thermal  
30 powerplant that is subject to this division or to Chapter 6  
31 (commencing with Section 25500) of Division 15 of the Public  
32 Resources Code if all of the following requirements are satisfied:

33 (1) South coast district rules include the requirements and  
34 prohibitions specified in subparagraphs (A) and (B) of paragraph  
35 (1) of subdivision (a).

36 (2) The thermal powerplant emissions comply with the  
37 requirements for best available control technology, air quality  
38 modeling impacts, toxic impacts, and emissions levels as specified  
39 in south coast district rule 1309.1, as amended August 3, 2007.



1     (3) *The thermal powerplant has entered into long-term contracts*  
2 *with Southern California Edison Company, San Diego Gas and*  
3 *Electric Company, or the State of California to provide electricity*  
4 *in southern California, or is a powerplant owned by a local*  
5 *publicly owned utility that is designed and constructed not to*  
6 *exceed that utility's native demand load projections, or the use of*  
7 *the credit is otherwise allowed by the south coast district board*  
8 *pursuant to south coast district rule 1309.1.*

9     (4) *The south coast district accounts for the thermal*  
10 *powerplants' use of Priority Reserve credits pursuant to this*  
11 *subdivision as part of its state implementation plan submissions*  
12 *and demonstrates that the use will not interfere with attainment*  
13 *or maintenance of ambient air quality standards.*

14     (5) *South coast district rule 1309.1, as amended August 3, 2007,*  
15 *and south coast district rule 1315, as adopted September 6, 2006,*  
16 *and readopted August 3, 2007, have been submitted to the United*  
17 *States Environmental Protection Agency and have not been*  
18 *disapproved by that agency.*

19     (6) *The State Energy Resources Conservation and Development*  
20 *Commission has conducted a needs assessment that has determined*  
21 *that the thermal powerplant is necessary to meet future energy*  
22 *needs in southern California or the south coast district, and has*  
23 *determined it is necessary for the thermal powerplant to be located*  
24 *in the south coast district.*

25     (7) (A) *The thermal powerplant pays a mitigation fee for the*  
26 *Priority Reserve offset credits obtained that shall be at a minimum*  
27 *the amount set forth in south coast district rule 1309.1, as amended*  
28 *August 3, 2007.*

29     (B) *The south coast district board may by amendment to that*  
30 *rule, after a public hearing, increase the fees without affecting the*  
31 *applicability of this paragraph.*

32     (C) *The south coast district shall, to the extent technically and*  
33 *economically feasible, use the mitigation fees to mitigate emissions*  
34 *of the relevant pollutants or its precursors in the area impacted*  
35 *by emissions from the thermal powerplant, with a minimum of*  
36 *one-third to be used for installation of renewable or alternative*  
37 *sources of energy. Up to 10 percent may be used by the district*  
38 *for administration of the mitigation program.*

39     SEC. 3. *Section 40440.13 is added to the Health and Safety*  
40 *Code, to read:*

1     40440.13. (a) *The State Energy Resources Conservation and*  
2 *Development Commission shall perform a needs assessment*  
3 *considering the issue specified in paragraph (6) of subdivision (b)*  
4 *of Section 40440.12 for a thermal powerplant proposed to be*  
5 *located in the south coast district, whether or not the thermal*  
6 *powerplant is subject to Chapter 6 (commencing with Section*  
7 *25500) of Division 15 of the Public Resources Code.*

8     (b) (1) *For the purposes of this section, "thermal powerplant"*  
9 *means any stationary or floating electrical generating facility*  
10 *using any source of thermal energy and any facilities appurtenant*  
11 *to the facility. Exploratory, development, and production wells,*  
12 *resource transmission lines, and other related facilities used in*  
13 *connection with a geothermal exploratory project or a geothermal*  
14 *field development project are not appurtenant facilities for the*  
15 *purposes of this section.*

16     (2) *"Thermal powerplant" does not include any exclusively*  
17 *wind, hydroelectric, or solar photovoltaic electrical generating*  
18 *facility.*

19     SEC. 4. *The Legislature finds and declares that a special law*  
20 *is necessary and that a general law cannot be made applicable*  
21 *within the meaning of Section 16 of Article IV of the California*  
22 *Constitution because of unique circumstances concerning the South*  
23 *Coast Air Quality Management District.*

24     SEC. 5. *No reimbursement is required by this act pursuant to*  
25 *Section 6 of Article XIII B of the California Constitution because*  
26 *a local agency or school district has the authority to levy service*  
27 *charges, fees, or assessments sufficient to pay for the program or*  
28 *level of service mandated by this act, within the meaning of Section*  
29 *17556 of the Government Code.*

30     SEC. 6. *This act is an urgency statute necessary for the*  
31 *immediate preservation of the public peace, health, or safety within*  
32 *the meaning of Article IV of the Constitution and shall go into*  
33 *immediate effect. The facts constituting the necessity are:*

34     *Due to the court decision in Natural Resources Defense Council*  
35 *v. South Coast Air Quality Management District (Super. Ct. Los*  
36 *Angeles County, 2007, No. BS 110792), the South Coast Air Quality*  
37 *Management District is unable to issue over a thousand pending*  
38 *permits that are either exempt from offset requirements or qualified*  
39 *to use offset credits from the district's Priority Reserve and is*  
40 *required to set aside thousands of permits already issued; therefore*

1 *it is necessary for this measure to take effect immediately to allow*  
2 *the district to issue permits in an expeditious manner and to*  
3 *validate previously issued permits called into question by the*  
4 *superior court's decision.*

5 ~~SECTION 1. The legislature finds and declares all of the~~  
6 ~~following:~~

7 ~~(a) Under existing law, new or modified sources of air pollutants~~  
8 ~~within a federally designated nonattainment area that result in~~  
9 ~~emission increases over specified thresholds are required to provide~~  
10 ~~emission reduction credits from other sources so that, in aggregate,~~  
11 ~~there is no net increase in emissions.~~

12 ~~(b) The air basins regulated by the South Coast Air Quality~~  
13 ~~Management District are designated nonattainment areas for~~  
14 ~~PM2.5, PM10, and ozone, the majority of which is due to mobile~~  
15 ~~sources.~~

16 ~~(c) Due to strict emission limits on stationary sources and the~~  
17 ~~inability to create material amounts of new emission reduction~~  
18 ~~credits without shutting down businesses and losing jobs, there is~~  
19 ~~a severe shortage of emission reduction credits for sources of~~  
20 ~~PM2.5 and PM10 in the air basins regulated by the South Coast~~  
21 ~~Air Quality Management District.~~

22 ~~(d) In the South Coast Air Quality Management District, certain~~  
23 ~~emission sources, including essential public services, rely on~~  
24 ~~emission credits contained in the district's internal accounts. The~~  
25 ~~district obtains credits for its internal bank from surplus emission~~  
26 ~~reductions not otherwise used for credits. Emission reduction~~  
27 ~~credits have to be real, surplus, enforceable, quantifiable, and~~  
28 ~~permanent.~~

29 ~~(e) The South Coast Air Quality Management District recently~~  
30 ~~amended Rule 1309.1 to make emission credits from its internal~~  
31 ~~bank available to new clean, efficient power plants. The South~~  
32 ~~Coast Air Quality Management District also enacted a new rule~~  
33 ~~governing the accounting and tracking of offsets.~~

34 ~~(f) A recent court decision invalidated the South Coast Air~~  
35 ~~Quality Management District rule specifying how the district~~  
36 ~~accounts for and calculates the amount of emission reduction~~  
37 ~~credits available. As a result of that court decision permits that~~  
38 ~~rely on credits from the district internal bank cannot be issued.~~


39 ~~(g) The South Coast Air Quality Management District regulates~~  
40 ~~more than 28,000 stationary sources, and administers more than~~

1 ~~80,000 permits. The Legislature needs act to avoid business~~  
2 ~~shutdowns and job losses, and to ensure electric system reliability.~~  
3 ~~SEC. 2. It is the intent of the Legislature to enact legislation~~  
4 ~~to ensure that there are sufficient real, surplus, enforceable,~~  
5 ~~quantifiable, and permanent emission reduction credits available~~  
6 ~~so that essential public services, and new clean efficient power~~  
7 ~~plants needed to maintain system reliability and integrate renewable~~  
8 ~~resources can be permitted by the South Coast Air Quality~~  
9 ~~Management District.~~



**City of Long Beach Memorandum**  
*Working Together to Serve*

## **REQUEST TO ADD AGENDA ITEM**

**Date:** April 30, 2009  
**To:** Larry Herrera, City Clerk  
**From:** Councilmember Tonia Reyes Uranga   
**Subject:** **Support for SB 696 (Wright) – Emission Reduction Credits**

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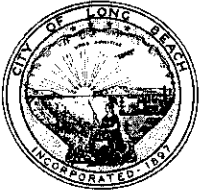
Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

**Request the City Attorney to draft a resolution in support of SB 696 (Wright) – Emission Reduction Credits and direct the City Manager to communicate the City's support to Long Beach legislative offices.**

Council District	Authorizing Councilmember	Signed by
2	Suja Lowenthal	See Attached Council Letter
3	Gary DeLong	See Attached Council Letter
7	Tonia Reyes Uranga	See Attached Council Letter

CC: Office of the Mayor, City Council, City Manager



# CITY OF LONG BEACH

# NB-33

DEPARTMENT OF HEALTH AND HUMAN SERVICES

2525 GRAND AVENUE • LONG BEACH, CALIFORNIA 90815 • (562) 570-4000 • FAX: (562) 570-4049

May 5, 2009

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Recommendation to adopt the attached Resolution proclaiming a local emergency under California Government Code Section 8630 and authorizing the City Manager to execute any necessary agreements with the State of California for Swine Influenza A (swH1N1) control, and ratifying the declaration of a local health emergency issued by the City Health Officer under California Health and Safety Code Section 101080. (Citywide)

## DISCUSSION

On April 29, 2009, Helene Calvet, M.D., in her capacity as City Health Officer for the City of Long Beach, declared a local health emergency as a consequence of confirmed cases of Swine Influenza A (swH1N1) in Mexico, California, and multiple areas of the United States (Attached). Dr. Calvet issued this declaration pursuant to the authority vested in her under California Health and Safety Code Section 101080, after consultation with public health officials and upon determining that a health emergency exists in Long Beach involving Swine Influenza A that affects, or has significant potential to negatively affect, the public's health.

Under State law, however, this declaration must be ratified by the City Council within seven (7) days. The attached Resolution ratifies the City Health Officer's declaration of local health emergency issued on April 29, 2009. In addition, the Resolution proclaims the existence of a local emergency under California Government Code Section 8630 and authorizes the City Manager to execute any necessary agreements with the State of California for Swine Influenza A (swH1N1) control. The City Council must review the continuing need for the emergency at least every fourteen (14) days and proclaim the termination of the emergency at the earliest date that conditions warrant. Since this strain of flu is new and there is no preventive based vaccine yet developed to prevent the spread in the community, a continuing state of emergency is necessary in order for the City Health Officer to take emergency measures to control the spread of this flu, such as requesting medical supplies from the Federal Strategic National Stockpile.

This matter was reviewed by Deputy City Attorney Linda Trang on April 30, 2009 and by Budget and Performance Management Bureau Manager David Wodynski on April 30, 2009.

TIMING CONSIDERATIONS

City Council action is requested on May 5, 2009 to adopt the Resolution declaring a local emergency, and ratifying the City Health Officer's declaration of local health emergency concerning Swine Influenza A control.

FISCAL IMPACT

There will be no fiscal impact associated with the requested action.

SUGGESTED ACTION:

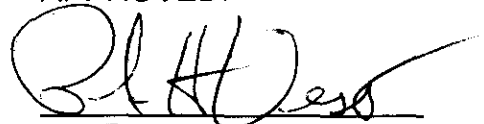
Approve recommendation.

Respectfully submitted,



RONALD R. ARIAS  
DIRECTOR  
HEALTH AND HUMAN SERVICES

APPROVED:



PATRICK H. WEST  
CITY MANAGER

Attachments: Resolution  
Declaration of Local Health Emergency by City Health Officer

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH PROCLAIMING THE EXISTENCE  
OF A LOCAL EMERGENCY DUE TO SWINE INFLUENZA  
A (SWH1N1) CASES, AND RATIFYING THE  
DECLARATION BY THE CITY HEALTH OFFICER OF A  
LOCAL HEALTH EMERGENCY

WHEREAS, Section 8630 of the California Government Code empowers  
the City Council to proclaim the existence of a local emergency to protect and preserve  
public welfare when the City is affected or likely to be affected by a public calamity; and

WHEREAS, the City Council finds that the current confirmed cases of  
Swine Influenza A (swH1N1) in Mexico, California and multiple areas of the United  
States, have prompted the federal government to determine that a public health  
emergency exists nationwide which affects or has the significant potential to affect  
national security; and

WHEREAS, the City Council finds that the increase of reported cases has  
also prompted the Governor of the State of California to proclaim a state of emergency,  
and the Los Angeles County Board of Supervisors to proclaim a local emergency; and

WHEREAS, as a consequence of this condition and a "probable positive"  
test for Swine Influenza A on a resident in the City, the City Health Officer of the City of  
Long Beach did declare a local health emergency within the City on April 29, 2009; and

WHEREAS, the City Council finds that that newly identified Swine Influenza  
A virus is an infectious and communicable disease, which creates a condition of extreme  
peril to the health and safety of persons within the City, and which is likely to be beyond  
the ability and resources of the City to control; and

WHEREAS, a declaration of a local emergency will assist in a coordinated



1 public health response to reduce transmission and illness severity, provide assistance to  
2 health care providers, and mitigate the effects of this potential pandemic on the citizens  
3 of the City; and

4 WHEREAS, the conditions and circumstances described above warrant and  
5 necessitate that the City proclaim the existence of a local emergency; and

6 WHEREAS, the City Council desires to declare a local emergency and to  
7 ratify the declaration of a local health emergency by the City Health Officer, and to  
8 authorize the City Manager to enter into any necessary agreements with the State of  
9 California to obtain any emergency assistance to implement necessary intervention  
10 activities to prevent a threatened epidemic of disease in the community;

11 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
12 follows:

13 Section 1. Pursuant to Section 8630 of the California Government Code,  
14 the City Council hereby finds and proclaims the existence of a local emergency caused  
15 by conditions or threatened conditions of Swine Influenza A (swH1N1) in Long Beach  
16 which, if not corrected, constitutes a threatened epidemic with its resultant morbidity and  
17 mortality to the extreme peril of health and safety of persons within the territorial limits of  
18 the City.

19 Section 2. Pursuant to Section 101080 of the California Health and  
20 Safety Code, the City Council hereby ratifies the declaration by the City Health Officer of  
21 a local health emergency in the City of Long Beach resulting from the presence or  
22 potential presence of individuals susceptible to Swine Influenza A (swH1N1) which, if  
23 intervention measures are not instituted, pose a threat of an epidemic of said disease in  
24 the community. The City Health Officer is authorized to take the necessary intervention  
25 measures to protect and preserve the public health from said public health hazard.

26 Section 3. The City Manager is hereby authorized to furnish information,  
27 to enter into agreements and to take all actions necessary to obtain State emergency  
28 assistance to implement preventive measures to protect and preserve the public health of

1 the City from said public health hazard within the scope of the local emergency hereby  
2 declared.

3 Section 4. The City Clerk shall certify to the passage of this resolution by  
4 the City Council of the City of Long Beach and it shall thereupon take effect. In  
5 accordance with the provisions of Section 8630 of the California Government Code and  
6 Section 101080 of the California Health and Safety Code, the City Clerk shall include the  
7 matter of the necessity for continuing the local emergency and the local health  
8 emergency on the City Council agenda for review at least every fourteen (14) days until  
9 the City Council terminates said local emergency and local health emergency.

10 Section 5. This resolution shall take effect immediately upon its adoption  
11 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

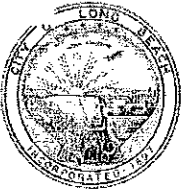
12 I hereby certify that the foregoing resolution was adopted by the City  
13 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_ by the  
14 following vote:

15  
16 Ayes: Councilmembers: \_\_\_\_\_

17  
18  
19  
20 Noes: Councilmembers: \_\_\_\_\_

21  
22 Absent: Councilmembers: \_\_\_\_\_

23  
24  
25  
26 \_\_\_\_\_  
City Clerk



# CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
2525 Grand Avenue, Long Beach, California 90815 (562) 570-4047 FAX (562) 570-4049

## DECLARATION OF LOCAL HEALTH EMERGENCY BY THE CITY HEALTH OFFICER FOR THE CITY OF LONG BEACH

**WHEREAS**, cases of Swine Influenza A (swH1N1) in Mexico, California, and multiple areas of the United States have been confirmed; and

**WHEREAS**, as a consequence of the reported outbreak of numerous cases of non-seasonal influenza, the United States Department of Health and Human Services has declared a public health emergency, the Governor of the State of California has proclaimed a state of emergency, and the Los Angeles County Board of Supervisors has proclaimed a local emergency; and

**WHEREAS**, the Department of Health and Human Services of the City of Long Beach has consulted with public health officials as necessary, and finds there is an imminent and proximate threat of the introduction of contagious, infectious and communicable disease into Long Beach;

**NOW, THEREFORE, I, Helene Calvet, M.D.**, City Health Officer for the City of Long Beach, Department of Health and Human Services, pursuant to the authority vested in me by the Local Pandemic and Emergency Health Preparedness Act of 2006, and in particular California Health and Safety Code section 101080, determine that a health emergency exists in Long Beach involving Swine Influenza A that affects or has significant potential to negatively affect the public's health and **HEREBY DECLARE A LOCAL HEALTH EMERGENCY** in the City of Long Beach.

This Declaration shall take effect immediately and remain in effect for a period of seven (7) days from the date hereof, until ratified by the City Council of the City of Long Beach, or unless sooner terminated.

Signed,

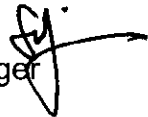
Dated: April 29, 2009

Helene Calvet, M.D.  
City Health Officer



**City of Long Beach Memorandum**  
Working Together to Serve

## REQUEST TO ADD AGENDA ITEM

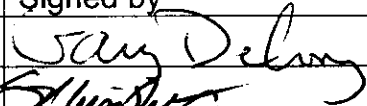
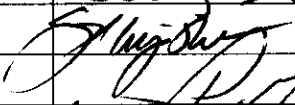
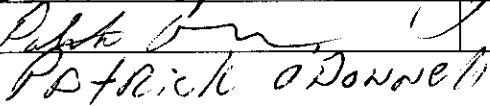
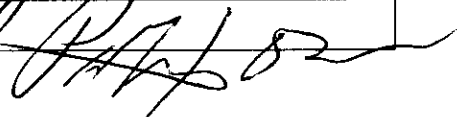
**Date:** April 29, 2009  
**To:** Larry Herrera, City Clerk  
**From:** f Patrick H. West, City Manager   
**Subject:** Request to Add Agenda Item to Council Agenda of May 5, 2009

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Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Recommendation to adopt the attached Resolution proclaiming a local emergency under California Government Code Section 8630 and authorizing the City Manager to execute any necessary agreements with the State of California for Swine Influenza A (swH1N1) control, and ratifying the declaration of a local health emergency issued by the City Health Officer under California Health and Safety Code Section 101080. (Citywide)

Council District	Authorizing Councilmember	Signed by
3 <sup>RD</sup> DISTRICT	GARY DELONG	
5 <sup>TH</sup> DISTRICT	GERRIE SCHIPSKA	
4 <sup>TH</sup> DISTRICT		

Attachment: May 5, 2009 Local Emergency Council Letter  
April 29, 2009, Declaration of Local Health Emergency

cc: Office of the Mayor